

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JERRY BLANEY

§

VS.

§

CIVIL ACTION NO. 9:21-CV-23

UTMB

§

MEMORANDUM OPINION AND ORDER OVERRULING OBJECTIONS AND
ACCEPTING REPORT AND RECOMMENDATION

Plaintiff, Jerry Blaney, an inmate formerly confined at the Eastham Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the defendant UTMB.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing this complaint pursuant to 28 U.S.C. § 1915(g) (docket entry no. 3).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the records, and pleadings. Plaintiff filed Objections on March 18, 2021 (docket entry no. 5). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

In his Objections, plaintiff does not address the applicable sanctions imposed by the Northern District of Texas. The Northern District of Texas barred plaintiff from filing any new civil action and imposed a sanction for his abuse of judicial resources. *See Blaney v. Ovard*, Civil action No. 3:15cv4035 (N.D. Tex. 2015). The court ordered plaintiff to pay sanctions in the amount of \$100.00 and barred him from filing any new civil action in that court without first paying the required filing fee or obtaining prior authorization from a district judge or magistrate judge. Plaintiff has neither alleged nor demonstrated he has satisfied the monetary sanction imposed by the Northern District.

As this court recognizes sanctions imposed by our sister courts, plaintiff is barred from prosecuting a civil rights action pursuant to these sanctions imposed by the Northern District.

To the extent plaintiff attempts to argue he is under imminent danger to potentially overcome the 1915(g) bar or the Northern District sanctions, plaintiff has failed to allege or demonstrate he is under *imminent* danger. Plaintiff complains he suffers from an infection that he alleges has been untreated for over twelve years. Plaintiff, however, concedes he has been given antibiotics but believes they have not been effective. These allegations are insufficient to invoke the imminent danger exception.

ORDER

Accordingly, plaintiff's Objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ACCEPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

So ORDERED and SIGNED, May 01, 2021.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark
Senior Judge